

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:16-cr-239-JMS-KMB
)	
DAVID M. BENNETT,)	- 01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On May 10, 2023, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on April 12, 2023. Defendant appeared in person with his appointed counsel Gwendolyn Beitz. The government appeared by Kelsey Massa, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Jason Nutter.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant of his rights and provided him with a copy of the petition. Defendant orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant admitted violation number 2. [Docket No.71.] Government orally moved to withdraw the remaining violation (violation number 1), which motion was granted by the Court.
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
------------------------------------	---------------------------------------

- | | |
|---|---|
| 2 | "You shall notify the probation officer within 72 hours of being arrested, charged, or questioned by a law enforcement officer." |
|---|---|

The offender failed to notify this officer within 72 hours of his arrest on April 6, 2023, by the Indianapolis Metropolitan Police Department. As of this writing, the offender has failed to contact this officer.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade C violation.
- (b) Defendant's criminal history category is VI.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 8 to 14 months' imprisonment.

5. The parties jointly recommended a sentence of 14 months. Defendant requested placement as to close to Indianapolis as possible with lowest level security possible.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of 14 months with no supervised release to follow. The Magistrate Judge will make a recommendation of placement as close to Indianapolis as possible with the lowest level security possible. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

Defendant reviewed the above noted conditions with his attorney.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge.

The parties waived the fourteen-day period to object to the Report and Recommendation.

Date: 5/15/2023


Mario Garcia
United States Magistrate Judge
Southern District of Indiana

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